

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FEDERAL EXPRESS CORPORATION

Plaintiff,

v.

MY PILLOW, INC. and MICHAEL J.
LINDELL

Defendant.

Civil Action No. 2:25-cv-02222-JPM-atc

PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT JUDGMENT

Pursuant to Federal Rule of Civil Procedure 55(b)(2), Federal Express Corporation ("FedEx") hereby moves for entry of a Default Judgment against the Defendants My Pillow, Inc. and Michael J. Lindell, jointly and severally, in the above captioned matter. In support of this motion, FedEx states as follows:

1. Plaintiff filed this civil action on February 27, 2025 (Dkt. No. 1) against My Pillow, Inc. and served My Pillow, Inc. with the Original Complaint on March 4, 2025 (Dkt. No. 12).
2. A First Amended Complaint was filed on June 6, 2025 adding claims against Michael J. Lindell (Dkt. No. 13). Both My Pillow, Inc. and Michael J. Lindell were personally served with the First Amended Complaint on June 6, 2025 (Dkt. Nos. 15 and 16).
3. Defendants My Pillow, Inc. and Michael J. Lindell have failed to file an answer, make an appearance, or otherwise respond to the Original Complaint or the First Amended Complaint.
4. On July 8, 2025, the Clerk entered default as to these defendants pursuant to Rule 55(a) (Dkt. No. 18).

5. Plaintiff is now entitled to entry of a Default Judgment in its favor pursuant to Rule 55(b) of the Federal Rules of Civil Procedure. Due to defendants' failure to answer the Original Complaint or the First Amended Complaint in this action, all allegations are deemed admitted such that Default Judgment is proper disposition of this case. *See* Fed. R. Civ. P. 8(d); *Microsoft Corp. v. McGee*, 490 F.Supp.2d 874, 878 (S.D. Ohio 2007) ("Once a default is entered against a defendant, that party is deemed to have admitted all of the well pleaded allegations in the complaint, except for those relating to damages.").

6. In further support of this motion FedEx states My Pillow's current debt to FedEx for shipping charges, which continues to accrue including late fees, totals at least \$8,808,860.85. On numerous occasions Michael J. Lindell made fraudulent misrepresentations to FedEx regarding payment of My Pillow's debt that directly caused at least \$3,300,000 of the aforementioned debt.

For the reasons set forth above, Plaintiff respectfully requests that this Honorable Court set an evidentiary hearing so that Plaintiff can present evidence of its damages and, following said hearing, enter a Default Judgment against My Pillow, Inc. and Michael J. Lindell, jointly and severally, including for all taxable court costs and both pre-judgment and post-judgment interest.

Respectfully submitted,

/s/ Jason R. Bernhardt

Jason R. Bernhardt

FEDERAL EXPRESS CORPORATION

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Counsel for Plaintiff Federal Express Corporation

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of July, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and sent a copy of this pleading via First Class U.S.

Mail, postage pre-paid to the Defendants at their last known address as follows:

My Pillow, Inc.
1550 Audubon Road
Chaska, MN 55318

Michael J. Lindell
My Pillow, Inc.
1550 Audubon Road
Chaska, MN 55318

/s/ Jason R. Bernhardt

Jason R. Bernhardt